

CITY OF MATTOON, ILLINOIS
CITY COUNCIL AGENDA
January 16, 2007

6:30 PM Work Study Caucus Session Discussion

- Pending Council Agenda Items

7:00 PM Business Meeting

Pledge of Allegiance

Roll Call

CONSENT AGENDA:

Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.

Minutes of the regular meeting January 2, 2007

Fire, Police, and Revenue reports for the month of December and Fire Annual Report

Payroll and Bills for the first half of January

PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

Public Presentation: Presentation by Commissioner McKenzie of a Recognition Award to the Public Works Department for No-Lost-Time Accident in two years.

Public Presentation: “Ready to Read Across Mattoon”, Middle School Students (Aneita Trame, Instructor, 238-5850)

NEW BUSINESS:

Motion – Approve Council Decision Request 2007-706: Reporting bids received, awarding procurements valued at \$172,039 for materials and services for the 2007 Street Maintenance (07-00000-00-GM) program, authorizing the mayor to sign all

documents. (McKenzie) [NeCo Asphalt – Oil and Chip - \$132,051; Charleston Stone – crushed stone - \$3,927; Clay Co. – Joint Sealant - \$20,880; A.J. Walker – PCC Concrete - \$15,181]

Motion – Approve Council Decision Request 2007-707: Awarding the bid for the squad car video solution and options to L-3 Communications of Boonton, New Jersey in the amount of \$79,801.92 with Department of Justice Federal Sharing Funds (Omega Fund). (White)

Motion – Adopt Resolution 2007-2679: Declaring that 0.16 acres of real estate at Lake Mattoon surplus as it is no longer necessary or required for use of the municipality, and authorizing the management staff to negotiate for a contract proposal to sell this parcel. (Schilling)

Motion – Adopt Special Ordinance 2007-1192: Authorizing the sale of Lot 35 in Lake Paradise Subdivision to Ed and Ann Austin, current owners of a home on leased premises at Lot 35, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 2431 East County Road 315 North) (Schilling)

Motion – Adopt Special Ordinance 2007-1193: Authorizing the sale of Lot 94 in Lake Paradise Subdivision to Richard Zimny, current owner of a home on leased premises at Lot 94, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 1878 Scenic Lane) (Schilling)

Motion – Approve Council Decision Request 2007-708: Approving the specifications for bullet proof vests for officers of the Mattoon Police Department. (White)

**Motion – Approve Council Decision Request 2007-709: Approving \$35,000 in grants by the Tourism Advisory Committee from hotel/motel tax funds in the amounts of:
\$25,000 to the Mattoon Pride Softball for use in hosting five softball tournaments in 2007;
\$10,000 to the Mattoon Beach Multi-Sport Triathlons for hosting five events in 2007. (Ervin)**

Recess to closed session pursuant to the Illinois Open Meetings Act for the purpose of considering the price for sale or lease of property (5 ILCS 120(2)(c)(6)); the purchase or lease of real property (5 ILCS 120(2)(c)(5)); litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)); and discussion of minutes of meeting lawfully closed for purposes of the semi-annual review as mandated by Section 2.06 (5 ILCS 120(2)(c)(21)). (White)

Reconvene

Motion – Approve Council Decision Request 2007-710: Authorizing release of minutes appropriate for disclosure from meetings in closed sessions of the City Council and destruction of disclosed executive session minute audio recordings for January 2004 through June 2005. (White)

Adjourn

UNAPPROVED COUNCIL MINUTES:

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on January 2, 2007 at 7:01 p.m. after a 6:30 p.m. caucus session.

Mayor White presiding.

Mayor White led the Pledge of Alliance.

The following members of the Council answered roll call in person: YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White. Commissioner David Cline had an excused absence.

Also in attendance were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Police Chief Larry Metzelaars, Community Development Coordinator Kyle Gill, Fire Chief Mike Chism, and City Clerk Susan O'Brien.

CONSENT AGENDA:

Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.

Mayor White seconded by Commissioner Schilling moved to approve the consent agenda as follows: minutes of the regular meeting December 19, 2006; payroll and bills for the last half of December.

Bills and Payroll for the last half of December, 2006

General Fund

Payroll	\$ 2,485,798.32
Bills	<u>\$ 118,690.54</u>
Total	\$ 2,604,488.86

Hotel Tax Fund

Payroll	\$ 1,650.54
Bills	<u>\$ 5,293.55</u>
Total	\$ 6,944.09

Festival Management Fund

Bills	<u>\$ 1,790.80</u>
Total	\$ 1,790.80

Revolving Loan Fund

Bills	<u>\$ 260.00</u>
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	Total	\$	260.00
	<u>Capital Project Fund</u>		
Bills		\$	21,351.85
	Total	\$	21,351.85
	<u>Water Fund</u>		
Payroll		\$	25,118.78
Bills		\$	34,009.30
	Total	\$	59,128.08
	<u>Sewer Fund</u>		
Payroll		\$	23,774.02
Bills		\$	7,903.79
	Total	\$	31,677.81
	<u>Cemetery Fund</u>		
Payroll		\$	3,204.18
Bills		\$	108.93
	Total	\$	3,313.11
	<u>Health Insurance</u>		
Bills		\$	69,364.71
	Total	\$	69,364.71
	<u>Motor Fuel Tax Fund</u>		
Bills		\$	445,183.46
	Total	\$	445,183.46

Mayor White declared the motion to approve the consent agenda carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

Police Chief Metzelaars formally recognized Police Officer John Hedges with a certificate for his efforts in saving a newborn child on December 17, 2006.

Mayor White updated the public on the public safety departments of the City and acknowledged the Public Works Department's accomplishment of no loss of time due to injuries for the last two years. He further expounded on the budgets for the fire and police departments;

53% of the tax levy devoted to police/fire pensions; the police pension fund; mileage of the police department; 3,000 calls per month handled by six dispatchers and one supervisor; complimented the support staff, uniformed officers, detectives, chief and assistant chief; noted the need for two additional officers; and disclosed the \$2.4M per year compensation of police department. Mrs. Wanda Ferguson complimented the police department on their handling of a meth situation. Chief Metzelaars expressed appreciation for the support of the Council, City Administrator, City Attorney/Treasurer and for the Omega funds to purchase much needed equipment.

NEW BUSINESS

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2007-699, authorizing a solicitation for competitive bids for replacement bullet-proof vests for the Police Department to be purchased with Omega & Grant funds.

Mayor White declared the motion carried by the following vote: ABSENT
Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA
Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve Council Decision request 2007-700, authorizing the Mayor to sign contract documents with Commercial Electric of Mattoon in the amount of \$1,213,964 for the Waste Water Treatment Plant Automation Project.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT
Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA
Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve Council Decision Request 2007-701, authorizing the Waste Water Treatment Plant Superintendent to purchase parts required to rebuild Filter Cell #7 contained within the Sand Filtration Process Building.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT
Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA
Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2007-1188, authorizing the sale of Lot 15 in Lake Paradise Subdivision to Judy Titko, current owner of a home on leased premises at Lot 15, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 3365 Pana Lane).

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1188

**SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 15 IN LAKE
PARADISE SUBDIVISION TO JUDY TITKO, CURRENT OWNER OF A HOME ON
LEASED PREMISES AT LOT 15, LAKE PARADISE SUBDIVISION, AND
AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO
COMPLETE THE TRANSACTION. (*COMMONLY
KNOWN AS 3365 PANA LANE*)**

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Judy Titko has made an offer to purchase the property for \$5,300.00; and

WHEREAS, Judy Titko owns the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$5,300.00 was the fair market value of the real estate as of November 29, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in

Section 3 of this ordinance to Judy Titko, subject to a payment of \$5,300.00. The purchase price will be due at closing.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 15 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 2nd day of January, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner McKenzie,
Commissioner Schilling, Mayor White

NAYS (Names): None

ABSENT (Names): Commissioner Cline

Approved this 2nd day of January, 2007.

/s/ Charles E. White

Charles E. White, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 3, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to adopt Special Ordinance 2007-1189, authorizing the sale of Lot 8 in Lake Paradise Subdivision to Madonna Clark, current owner of a home and leased premises at Lot 8, Lake Paradise Subdivision and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 3475 East Lake Paradise Road).

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1189

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 8 IN LAKE PARADISE SUBDIVISION TO MADONNA CLARK, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 8, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 3475 EAST LAKE PARADISE ROAD)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Madonna Clark has made an offer to purchase the property for \$11,000.00; and

WHEREAS, Madonna Clark owns the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$11,000.00 was the fair market value of the real estate as of November 14, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Madonna Clark, subject to a payment of \$11,000.00. The purchase price will be due at closing.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 8 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner McKenzie, adopted this 2nd day of January, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner McKenzie,
Commissioner Schilling, Mayor White

NAYS (Names): None

ABSENT (Names): Commissioner Cline

Approved this 2nd day of January, 2007.

/s/ Charles E. White

Charles E. White, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

/s/Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 3, 2007.

Mayor White declared the motion carried by the following vote: ABSENT
Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA
Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Special Ordinance 2007-1190, authorizing the sale of Lot 63 in Lake Paradise Subdivision to Sylvia E. James, current owner of a home on leased premises at Lot 63, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 2953 East Lake Paradise Road)

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1190

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 63 IN LAKE PARADISE SUBDIVISION TO SYLVIA E. JAMES, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 63, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 2953 EAST LAKE PARADISE ROAD)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Sylvia E. James has made an offer to purchase the property for \$19,300.00; and

WHEREAS, Sylvia E. James owns the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$19,300.00 was the fair market value of the real estate as of November 14, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Sylvia E. James, subject to a payment of \$19,300.00. The purchase price will be due at closing.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 63 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 2nd day of January, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner McKenzie
Commissioner Schilling, Mayor White

NAYS (Names): None

ABSENT (Names): Commissioner Cline

Approved this 2nd day of January, 2007.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 3, 2007.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to adopt Special Ordinance 2007-1191, authorizing the sale of Lot 96 in Lake Paradise Subdivision to Dianne M. Stanley, current owner of a home on leased premises at Lot 96, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 1870 Scenic Lane).

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1191

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 96 IN LAKE PARADISE SUBDIVISION TO DIANNE M. STANLEY, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 96, LAKE PARADISE SUBDIVISION, AND

**AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO
COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 1870 SCENIC LANE)**

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Dianne M. Stanley has made an offer to purchase the property for \$6,500.00; and

WHEREAS, Dianne M. Stanley owns the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$6,500.00 was the fair market value of the real estate as of November 14, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Dianne M. Stanley, subject to a payment of \$6,500.00. The purchase price will be due at closing.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 96 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner McKenzie, adopted this 2nd day of January, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner McKenzie,
Commissioner Schilling, Mayor White
NAYS (Names): None
ABSENT (Names): Commissioner Cline

Approved this 2nd day of January, 2007.

/s/ Charles E. White
Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on January 3, 2007.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to approve Council Decision Request 2007-702, authorizing the Mayor to sign a contract for auditing services with Azavar Audit Solution, Inc. for the audit of the telecommunication, franchise, hotel/motel and other tax receipts of the City.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to approve Council Decision Request 2007-703, authorizing the Mayor and City Clerk to sign an Easement in favor of the Kickapoo Drainage District for part of the old water treatment plant and lagoons.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline,

YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Ervin moved to approve Council Decision Request 2007-704, ratifying the re-appointment of Mary Wetzel and the appointment of Dr. Don Freesmeier to the Tourism Board with terms ending September 1, 2008.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Schilling moved to approve Council Decision Request 2007-705, appointing Scott Gradle to the Mattoon Arts Council for a two-year term expiring on September 30, 2008.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling and YEA Mayor White.

City Attorney/Treasurer Owen stated the Azavar Audit Solutions, Inc. contract was negotiated along with the City of Charleston, further establishing both communities working together.

Mayor White seconded by Commissioner McKenzie moved to adjourn at 7:17 p.m.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: ABSENT Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling and YEA Mayor White.

/s/ Susan J. O'Brien
City Clerk

BILLS AND PAYROLL WILL BE UPDATED SOON IN A SEPARATE FILE.

NEW BUSINESS:

City of Mattoon Council Decision Request

MEETING DATE: 01-16-07

CDR NO: 2007-706

SUBJECT: 2007 IDOT General Maintenance Bid Acceptance & Awards

SUBMITTAL DATE: January 8th, 2007

SUBMITTED BY: David Wortman, Public Works Director

APPROVED FOR	Alan Gilmore	
COUNCIL AGENDA:	City Administrator	Date

EXHIBITS (If applicable):	Exhibit A – Bid Tabulation Sheets
	Exhibit B – Acceptance Sheets for each contract

EXPENDITURE	AMOUNT	CONTINGENCY FUNDING
ESTIMATE:	BUDGETED:	REQUIRED:

IF IT IS THE WISH OF THE COUNCIL TO SUPPORT RECOMMENDATIONS CONTAINED IN THIS REPORT, THE FOLLOWING MOTION IS SUGGESTED:

“I move to authorize the Council to accept the following proposals for the 2007 MFT General Street Maintenance Program –
NeCo Asphalt – Oil and Chip - \$132,051
Charleston Stone – crushed stone - \$3,927
Clay Co. – Joint Sealant - \$20,880
A.J. Walker – PCC Concrete - \$15,181”

SUMMARY OF THE TOPIC FOR WHICH A COUNCIL DECISION IS REQUESTED:

Attached is a copy of the bid tabulation sheets for the 2007 MFT street maintenance materials bid.

Approving this CDR will allow the city to enter into contracts with the listed companies for the 2007 MFT Street Maintenance Program.

Exhibit A

Illinois Department of Transportation

County	Mattoon	Date	1/3/2007	Name and Address of Bidders	1-1	1-2	1-3
Munic/R.D.		Time	10:00 A.M.		Charleston Stone PO Box 260 Charleston IL 61920	AJ Walker Co PO Box 118 Mattoon, IL 61938	Earl Walker 915 W. Magill Sullivan, IL 61951
Section	07-00000-00GM	Appropriation					
		Attended by	Tom Kreke				
Proposal				Approved Engineer's Estimate	MO 150	CC 1000	CC 5000
Guarantee							
Terms							

Item No. or Group	Items	Delivery	Unit	Quantity	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
I	BIT MATERIALS	CITY STREET	GAL	56,000.00	1.50	84,000.00					\$ 1.79	\$ 100,240
	CRS-2 COVER & SEAL COAT											
	BIT MATERIALS SPL	CITY STREET	GAL	8,000.00	1.50	12,000.00					\$ 1.79	\$ 14,320
	CRS-2 COVER COAT											
	SEAL COAT AGG	CITY STREET	TON	350.00	10.00	3,500.00					\$ 8.95	\$ 3,132
	CA-14 SPREAD ONLY											
	SEAL COAT AGG	CITY STREET	TON	570.00	10.00	5,700.00					\$ 8.95	\$ 5,101
	CA-16 SPREAD ONLY											
	COVER COAT AGG	CITY STREET	TON	930.00	15.00	13,950.00					\$ 10.95	\$ 10,183
	BOILER SLAG SPREAD ONLY											
	COVER COAT AGG	CITY STREET	TON	240.00	15.00	3,600.00					\$ 10.95	\$ 2,628
	BOILER SLAG SPREAD ONLY											
	GROUP I TOTAL					122,750.00						\$ 135,605
II	CA-14 100% CR STONE	FURNISH FOB TRUCKS AT CITY STOCK PL LOGAN AVE	TON	350.00	11.50	4,025.00	\$ 11.22	\$ 3,927.00				
III	JOINT SEALANT MATERIAL ONLY	221 N 12TH STREET	POUND	60,000.00	0.40	24,000.00						
IV	CLASS SI PAVING MIX	CITY STREET	CU YD	160.00	80.00	12,800.00			\$ 79.90	\$ 12,784.00		
	PCC CONCRETE MATERIAL											
	CLASS SI C & G MIX	CITY STREET	CU YD	30.00	80.00	2,400.00			\$ 79.90	\$ 2,397.00		
	PCC CONCRETE MATERIAL											
	GROUP IV TOTAL					15,200.00				\$ 15,181.00		

Total	% Over(+)/	AS READ
BIDS	Under(-) Est.	

Page 2 of 2

Page 2 of 2

Exhibit B



**Illinois Department
of Transportation**

**Acceptance of Proposal to Furnish
Materials and Approval of Award**

Route _____
County _____
Local Agency Mattoon
Section 07-00000-00-GM

To Ne-Co Asphalt

Address 812 Adkins Drive Charleston, IL 61920

In accordance with your ☒ proposal ☐ quotation submitted on 1/3/2007, a copy of which is in our files, you have been awarded the contract for furnishing the following materials required in the ☐ construction ☒ maintenance of the above designated work:

Item	Quantity	Unit Price	Amount
Group I			
Bituminous Materials CRS - 2 Furnish & Spread	56,000	\$1.7400	\$97,440.00
Bituminous Materials CRS - 2 Furnish & Spread	8,000	\$1.7400	\$13,920.00
Seal Coat Aggregate CA - 14 Spread Only	350	\$9.9000	\$3,465.00
Cover Coat Aggregate CA - 16 Spread Only	570	\$9.9000	\$5,643.00
Cover Coat Aggregate Boiler Slag Spread Only	930	\$9.9000	\$9,207.00
Cover Coat Aggregate Boiler Slag Spread Only	240	\$9.9000	\$2,376.00
Group Total			\$132,051.00

Terms As per proposal

Shipping Instructions As per proposal

Materials shall be inspected in accordance with current Departmental policies

Date Issued _____

Approved _____

Municipal Clerk

Regional Engineer

Highway Commissioner

5 copies to Regional Engineer

Approved Original to Successful Bidder

County Engineer / County Superintendent of Highways



**Illinois Department
of Transportation**

**Acceptance of Proposal to Furnish
Materials and Approval of Award**

Route _____
County _____
Local Agency Mattoon
Section 07-00000-00-GM

To Charleston Stone

Address P. O. Box 260 Charleston, IL 61920

In accordance with your ☒ proposal ☐ quotation submitted on 1/3/2007, a copy of which is in our files, you have been awarded the contract for furnishing the following materials required in the ☐ construction ☒ maintenance of the above designated work:

Item	Quantity	Unit Price	Amount
Group II			
Seal Coat Aggregate CA - 14 Crushed Stone (City Stockpile)	350	\$11.2200	\$3,927.00

Terms As per proposal

Shipping Instructions As per proposal

Materials shall be inspected in accordance with current Departmental policies

Date Issued _____

Approved _____

Municipal Clerk

Regional Engineer

Highway Commissioner

5 copies to Regional Engineer

Approved Original to Successful Bidder

County Engineer / County Superintendent of Highways



**Illinois Department
of Transportation**

**Acceptance of Proposal to Furnish
Materials and Approval of Award**

Route _____
County _____
Local Agency Mattoon
Section 07-00000-00-GM

To Clay Co Midwest Company

Address 2400 Rock Road Granite City, IL 62040

In accordance with your ☒ proposal ☐ quotation submitted on 1/3/2007, a copy of which is in our files, you have been awarded the contract for furnishing the following materials required in the ☐ construction ☒ maintenance of the above designated work:

Item	Quantity	Unit Price	Amount
Group III			
Joint Sealant Furnish to City	60,000	\$0.3480	\$20,880.00

Terms As per proposal

Shipping Instructions As per proposal

Materials shall be inspected in accordance with current Departmental policies

Date Issued _____

Approved _____

Municipal Clerk

Regional Engineer

Highway Commissioner

5 copies to Regional Engineer

Approved Original to Successful Bidder

County Engineer / County Superintendent of Highways

**City of Mattoon
Council Decision Request**

MEETING DATE: 01/16/07 CDR NO: 2007-707 SUBJECT: Award Bid for In-Car Video System for the Mattoon Police Dept.
SUBMITTAL DATE: 01/11/07

SUBMITTED BY: Larry L. Metzelaars, Chief of Police, Mattoon Police Dept.

APPROVED FOR Alan Gilmore
COUNCIL AGENDA: City Administrator

Date

EXHIBITS (If applicable):

EXPENDITURE ESTIMATE: \$79,801.92	AMOUNT BUDGETED: None	CONTINGENCY FUNDING REQUIRED: None
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IF IT IS THE WISH OF THE COUNCIL TO SUPPORT RECOMMENDATIONS CONTAINED IN THIS REPORT, THE FOLLOWING MOTION IS SUGGESTED:

“I move that the City Council authorize the Chief of Police to purchase an in-car video system for the Mattoon Police Dept. from L3 Communications of Boonton, New Jersey, for the amount of \$74,189.37 and authorize an additional amount of \$5,612.55 for options offered by the same company all of which shall be paid from Federal Sharing (Omega) funds.”

SUMMARY OF THE TOPIC FOR WHICH A COUNCIL DECISION IS REQUESTED:

In September 2006 the Mattoon City Council authorized the Chief of Police to advertise for bids (after approval of specifications) for an in-car video system for squad cars of the Mattoon Police Department to be paid for using Federal Sharing (Omega) funds.

Specifications were subsequently developed and approved by the City Council. The Request for Bids was published on December 11, 2006, and sealed bids were accepted until 4:30PM on January 4, 2007, at which time they were publically opened and read aloud in the City Clerk's Office.

The only company to submit a bid was L3 Communications of Boonton, New Jersey, for the amount of \$74,189.37. Chief Metzelaars has reviewed the only bid and has concluded that the bid **DOES** meet the specifications. After reviewing the bid, it was learned that specific “optional accessories” were offered to make the system much more effective. After reviewing the options offered by this company specific to their system, Chief Metzelaars has determined that the following options will be very beneficial for MPD:

collision sensors	9 @	\$150.00	\$1,350.00
backseat IR camera (rear seat video in low light conditions)	7 @	\$395.00	\$2,765.00
75' extension camera cable	1 @	\$90.00	\$ 90.00
(for camera use outside vehicle up to 75 feet)			

30" microphone cords (as opposed to the shorter standard cords)	9 @	\$25.00	\$ 225.00
9" microphone cords for transmitters	9 @	\$25.00	\$ 225.00
belt clip for transmitter	9 @	\$9.95	\$ 89.55
leather belt pouch (for transmitter)	9 @	\$25.00	\$ 225.00
multi-charger (holds 4 charging bases)	2 @	\$149.00	\$ 298.00
Rack Mounting Configuration	1 @	\$345.00	\$ <u>345.00</u>

TOTAL FOR OPTIONS CHOSEN. \$5,612.55

TOTAL FOR BID WITH OPTIONS. **\$79,801.92**

Although only one bid was submitted, there was ample time for other companies to prepare and submit competitive bids. Since the equipment is "specialized" for law enforcement purposes, it is not likely that re-bidding will produce any additional submissions in the future. It was originally estimated that this type and quantity of equipment would cost between \$70,000 and \$90,000. It is Chief Metzelaars opinion that the bid of \$74,189.37 plus the \$5,612.55 for optional accessories (TOTAL EXPENSE \$79,801.92) is a fair and reasonable bid within the scope of previous estimates; therefore, the Chief recommends that the bid of L3 Communications of Boonton, New Jersey be accepted and that the options be purchased at this time.

CITY OF MATTOON, ILLINOIS

RESOLUTION NO. 2007-2679

A RESOLUTION DECLARING THAT 0.16 ACRES OF REAL ESTATE AT LAKE MATTOON IS NO LONGER NECESSARY OR REQUIRED FOR USE OF THE MUNICIPALITY AND AUTHORIZING THE MANAGEMENT STAFF TO NEGOTIATE FOR A CONTRACT PROPOSAL TO SELL THIS REAL ESTATE

WHEREAS, in the 1950's the City of Mattoon purchased large parcels of land in Coles, Cumberland and Shelby Counties for the purposes of establishing Lake Mattoon; and

WHEREAS, after the construction of Lake Mattoon some small tracts of the large parcels remained unused and were isolated by the lake and parcels of land owned by other landowners; and

WHEREAS, the tract of land described below is one of those tracts; and

WHEREAS, there has been an appraisal of this tract, which includes a survey, and it is attached hereto and incorporated herein by this reference; and

WHEREAS, the adjacent landowner desires to acquire a fee simple interest in said real estate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. Pursuant to procedures prescribed by state statute (65 ILCS 5/11-76-4.1), a finding is hereby made by the City Council that the following described real estate at Lake Mattoon is no longer necessary or required for the use of the municipality.

A part of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Thirty-six (36), Township Eleven (11) North, Range Six (6) East of the Third Principal Meridian being more particularly described as follows:

Commencing at the northwest corner of the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section Thirty-six (36), Township Eleven (11) North, Range Six (6) East of the Third Principal Meridian; thence azimuth 180 degrees 18 minutes 54 seconds (based on previous local surveys) along the west line of said Quarter-Quarter (¼-¼) a distance of 794.0 feet to the northeast corner of Lot One (1) of Lake Hills Subdivision, Shelby County, Illinois and the point of beginning; thence azimuth 91 degrees 8 minutes 10 seconds along the extension of the north line of said Lot One (1) a distance of 76.40 feet; thence azimuth 180 degrees 12 minutes 36 seconds a distance of 25.21 feet thence azimuth 224 degrees 45 minutes 53 seconds a distance of 11.79 feet; thence azimuth 210 degrees 21 minutes 45 seconds a distance of 39.58 feet; thence azimuth 198 degrees 16 minutes 38 seconds a distance of 42.90 feet; thence azimuth 215 degrees 15 minutes 18 seconds a distance of 27.41 feet; thence azimuth 239 degrees 6 minutes 56 seconds a distance of 7.41 feet; thence azimuth 171 degrees 18 minutes 15 seconds a distance of 8.71 feet; thence azimuth 245 degrees 33 minutes 20 seconds a distance of 15.92 feet to the east line of said Lot One (1); thence azimuth 0 degrees 18 minutes 54 seconds along said east line a distance of 151.37 feet to the point of beginning, situated in Ash Grove Township, Shelby County, Illinois and containing 7119 square feet (0.16 acres) more or less.

Section 2. Its fair market value has been determined to be \$3,560 by a written appraisal prepared by a licensed real estate appraiser that is available for public inspection. The property is currently vacant and is impaired by a lack of accessibility.

Section 3. The management staff of the municipality is hereby authorized to negotiate for a contract proposal to sell said real. Any such contract negotiated shall be subject to ratification by the City Council.

Section 4. The city clerk is directed to publish a copy of this resolution at the first opportunity following its adoption and approval by the City Council.

Upon motion by _____, seconded by _____, adopted this ____ day of _____, 2007, by a roll call vote, as follows:

AYES (Names): _____

NAYS (Names): _____

ABSENT (Names): _____

Approved this _____ day of _____, 2007.

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

Susan O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on _____, 2007.

CITY OF MATTOON, ILLINOIS
SPECIAL ORDINANCE NO. 2007-1192

**SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 35 IN LAKE
PARADISE SUBDIVISION TO ED AND ANN AUSTIN, CURRENT OWNERS OF A
HOME ON LEASED PREMISES AT LOT 35, LAKE PARADISE SUBDIVISION, AND
AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO
COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 2431 EAST COUNTY
ROAD, 315 NORTH)**

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Ed and Ann Austin have made an offer to purchase the property for \$7,300.00; and

WHEREAS, Ed and Ann Austin own the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$7,300.00 was the fair market value of the real estate as of January 8, 2007, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Ed and Ann Austin, subject to a payment of \$7,300.00. The purchase price will be due at closing.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 35 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by _____, seconded by _____, adopted this _____ day of _____, 2007, by a roll call vote, as follows:

AYES (Names):

NAYS (Names):

ABSENT (Names):

Approved this _____ day of _____, 2007.

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on _____, 2007.

REAL ESTATE SALES CONTRACT

This agreement is made on _____, by the City of Mattoon, an Illinois municipal corporation ("seller"), of 208 North 19th Street, Mattoon, Coles County, Illinois, and

Ed and Ann Austin ("purchaser"), of RR #2, Box 108E, Neoga, Cumberland County, Illinois.

Recitals

1. Seller is the owner of the lot or parcel of real property situated at 2431 East County Road, 315 North, unincorporated Coles County, Illinois, and more fully described as follows:

Lot 35 in Lake Paradise Subdivision, in unincorporated Coles County, Illinois.

2. Seller desires to sell and purchaser desires to buy property, for the purchase price and on the terms and conditions stated in this agreement.

In consideration of the mutual promises in this agreement, the parties agree:

Section I. Purchase Price and Terms of Payment

The sales price of the property is \$7,300.00.

A breakdown of the total due at closing from the purchaser is:

Lot Price	\$ 7,300.00
Subdivision Costs	\$ 484.83
Appraisal	\$ 75.00
Final Title Search	\$ 65.00
Recording Fee	\$ 44.00
Title Insurance	<u>\$ 68.00</u>
Total	\$ 8,036.83

This amount will be paid on closing, in the exact balance of purchase price after crediting the above items, with principal balance on existing encumbrance to be computed exactly to close of transaction.

Section II. Title

Title to property to be conveyed by seller will be good and marketable title, clear of all liens, encumbrances, defects, and burdens, except: utility easements, and agreements with utility companies of record; zoning ordinances; existing rights of way for streets and alleys bordering property.

Title as required in this agreement will be evidenced by a standard form policy of title insurance issued by Crites Title Company. The policy will be issued as of the closing date and will be in the amount of the purchase price. Payment of the cost for the title insurance policy shall be the responsibility of the Purchaser.

Seller will convey title as follows: Ed and Ann Austin

Section III. Transfer of Property

Possession of property will be transferred to purchaser at the closing of sale.

Section IV. Time of Essence; Closing

Time is expressly declared to be of the essence of this contract. The contract must be executed and completed, and the sale closed, on or before thirty days of the date of this contract, or otherwise, as the parties agree in writing. Each party must fully perform all obligations under this agreement to insure closing within the period specified in this agreement, or any extension of the period specified.

Section V. Remedies of Parties

(1) If purchaser fails or refuses to comply with the conditions assumed, or to perform all obligations under this agreement, seller has the right to enforce this contract by appropriate action, including an action for specific performance, or for damages for breach, and retain all money paid or deposited by purchaser pending the determination of that action.

(2) If seller fails or refuses to perform obligations under this agreement, including the furnishing of good title as defined in this agreement and transfer of possession, purchaser may either: (a) cancel the contract and recover all deposits and other amounts paid by purchaser under this agreement, and all expenses paid or incurred; or (b) pursue any remedy available to purchaser, in law or equity, including an action to compel specific performance of this contract, or one for damages for breach, separately or alternatively.

Section VI. Assignment; Modification; Entire Agreement of Parties Expressed

No right or interest of purchaser under this agreement will be assigned without the prior written consent of seller.

No modification of this contract will be valid or binding unless the modification is in writing, duly dated and signed by both parties.

This instrument constitutes the entire agreement between the parties. Neither party will be bound by any terms, conditions, statements, or representations, oral or written, not contained in this agreement. Each party acknowledges that every promise or representation made by the other party, is expressly stated in this agreement. All previous negotiations, statements, and preliminary instruments by the parties or their representatives are merged in this instrument.

Section VII. Approval of City Council

The City Council of the City of Mattoon, Illinois has duly authorized this transaction by the following actions: On March 21, 2006 the Mattoon City Council approved, pursuant to Illinois Statute 65 ILCS 5/11-76-4.1, Resolution No. 2006-2642 declaring, among others, Lot 35 of Lake Paradise Subdivision as surplus and authorized the management staff of the City to negotiate for the sale of the property. On January 16, 2007 the Mattoon City Council approved a Special Ordinance (2007-1192) which approved the form of this contract and authorized the Mayor and City Clerk to sign any documents necessary to finalize the sale as called for in this agreement.

Section VIII. Signature and Effective Date

This instrument will not be effective as a contract until duly signed by both parties. The above date is the date of execution and effective date of the contract. The date of signature by each party is the above date unless otherwise indicated after the signature.

The parties have executed this instrument on the day and year first above written.

Seller

Purchaser

Charles E. White, Mayor

Ed Austin

ATTEST:

Purchaser

Susan O'Brien, City Clerk

Ann Austin

This instrument was prepared by:

J. Preston Owen
City Attorney & Treasurer
208 North 19th Street
Mattoon, Illinois 61938
(217) 258-7932 (Office)
(217) 235-5464 (Facsimile)
owenp@mattoonillinois.org

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1193

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 94 IN LAKE PARADISE SUBDIVISION TO RICHARD ZIMNY, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 94, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (COMMONLY KNOWN AS 1878 SCENIC LANE)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the

corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Richard Zimny has made an offer to purchase the property for \$18,000.00; and

WHEREAS, Richard Zimny owns the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$18,000.00 was the fair market value of the real estate as of November 14, 2006, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Richard Zimny, subject to a payment of \$18,000.00. The purchase price will be due at closing.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 94 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by _____, seconded by _____, adopted this _____ day of _____, 2007, by a roll call vote, as follows:

AYES (Names): _____

NAYS (Names): _____

ABSENT (Names): _____

Approved this ____ day of _____, 2007.

Charles E. White, Mayor
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM

Susan J. O'Brien, City Clerk

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on _____, 2007.

REAL ESTATE SALES CONTRACT

This agreement is made on _____, by the City of Mattoon, an Illinois municipal corporation ("seller"), of 208 North 19th Street, Mattoon, Coles County, Illinois, and Richard Zimny ("purchaser"), of 1878 Scenic Lane, in unincorporated Coles County, Illinois.

Recitals

1. Seller is the owner of the lot or parcel of real property situated at 1878 Scenic Lane, unincorporated Coles County, Illinois, and more fully described as follows:

Lot 94 in Lake Paradise Subdivision, in unincorporated Coles County, Illinois.

2. Seller desires to sell and purchaser desires to buy property, for the purchase price and on the terms and conditions stated in this agreement.

In consideration of the mutual promises in this agreement, the parties agree:

Section I. Purchase Price and Terms of Payment

The sales price of the property is \$18,000.00.

A breakdown of the total due at closing from the purchaser is:

Lot Price	\$ 18,000.00
Subdivision Costs	\$ 1,634.13
Appraisal	\$ 75.00

Final Title Search	\$ 65.00
Recording Fee	\$ 44.00
Title Insurance	<u>\$ 68.00</u>
Total	\$ 19,886.13

This amount will be paid on closing, in the exact balance of purchase price after crediting the above items, with principal balance on existing encumbrance to be computed exactly to close of transaction.

Section II. Title

Title to property to be conveyed by seller will be good and marketable title, clear of all liens, encumbrances, defects, and burdens, except: utility easements, and agreements with utility companies of record; zoning ordinances; existing rights of way for streets and alleys bordering property.

Title as required in this agreement will be evidenced by a standard form policy of title insurance issued by Crites Title Company. The policy will be issued as of the closing date and will be in the amount of the purchase price. Payment of the cost for the title insurance policy shall be the responsibility of the Purchaser.

Seller will convey title as follows: Richard Zimny.

Section III. Transfer of Property

Possession of property will be transferred to purchaser at the closing of sale.

Section IV. Time of Essence; Closing

Time is expressly declared to be of the essence of this contract. The contract must be executed and completed, and the sale closed, on or before thirty days of the date of this contract, or otherwise, as the parties agree in writing. Each party must fully perform all obligations under this agreement to insure closing within the period specified in this agreement, or any extension of the period specified.

Section V. Remedies of Parties

(1) If purchaser fails or refuses to comply with the conditions assumed, or to perform all obligations under this agreement, seller has the right to enforce this contract by appropriate action, including an action for specific performance, or for damages for breach, and retain all money paid or deposited by purchaser pending the determination of that action.

(2) If seller fails or refuses to perform obligations under this agreement, including the furnishing of good title as defined in this agreement and transfer of possession, purchaser may either: (a) cancel the contract and recover all deposits and other amounts paid by purchaser under this agreement, and all expenses paid or incurred; or (b) pursue any remedy available to purchaser, in law or equity, including an action to compel specific performance of this contract, or one for damages for breach, separately or alternatively.

Section VI. Assignment; Modification; Entire Agreement of Parties Expressed

No right or interest of purchaser under this agreement will be assigned without the prior written consent of seller.

No modification of this contract will be valid or binding unless the modification is in writing, duly dated and signed by both parties.

This instrument constitutes the entire agreement between the parties. Neither party will be bound by any terms, conditions, statements, or representations, oral or written, not contained in this agreement. Each party acknowledges that every promise or representation made by the other party, is expressly stated in this agreement. All previous negotiations, statements, and preliminary instruments by the parties or their representatives are merged in this instrument.

Section VII. Approval of City Council

The City Council of the City of Mattoon, Illinois has duly authorized this transaction by the following actions: On March 21, 2006 the Mattoon City Council approved, pursuant to Illinois Statute 65 ILCS 5/11-76-4.1, Resolution No. 2006-2642 declaring, among others, Lot 94 of Lake Paradise Subdivision as surplus and authorized the management staff of the City to negotiate for the sale of the property. On January 16, 2007 the Mattoon City Council approved a Special Ordinance (2007-1193) which approved the form of this contract and authorized the Mayor and City Clerk to sign any documents necessary to finalize the sale as called for in this agreement.

Section VIII. Signature and Effective Date

This instrument will not be effective as a contract until duly signed by both parties. The above date is the date of execution and effective date of the contract. The date of signature by each party is the above date unless otherwise indicated after the signature.

The parties have executed this instrument on the day and year first above written.

Seller

Purchaser

Charles E. White, Mayor

Richard Zimny

ATTEST:

Susan O'Brien, City Clerk

This instrument was prepared by:

J. Preston Owen

City Attorney & Treasurer
208 North 19th Street
Mattoon, Illinois 61938
(217) 258-7932 (Office)
(217) 235-5464 (Facsimile)
owenp@mattoonillinois.org

**City of Mattoon
Council Decision Request**

MEETING DATE: 01/16/07 CDR NO: 2007-708 SUBJECT: Approval of Specifications for
Bullet Proof Vests for Mattoon Police officers

SUBMITTAL DATE: 01/11/07

SUBMITTED BY: Larry L. Metzelaars, Chief of Police, Mattoon Police Dept.

APPROVED FOR Alan Gilmore
COUNCIL AGENDA: City Administrator

Date

EXHIBITS (If applicable): Specifications

EXPENDITURE	AMOUNT	CONTINGENCY FUNDING
ESTIMATE: \$24,000.00	BUDGETED: None	REQUIRED: None

IF IT IS THE WISH OF THE COUNCIL TO SUPPORT RECOMMENDATIONS CONTAINED IN
THIS REPORT, THE FOLLOWING MOTION IS SUGGESTED:

“I move that the City Council approve the Specifications for Bullet Proof Vests
for officers of the Mattoon Police Department.”

SUMMARY OF THE TOPIC FOR WHICH A COUNCIL DECISION IS REQUESTED:

On January 2, 2007, the Mattoon City Council authorized the Chief of Police to advertise for bids for bullet proof vests for officers of the Mattoon Police Department to be paid for using Federal Sharing (Omega) funds.

Specifications have now been established and are herewith submitted for approval by the City Council.

The Request for Bids has been provided to the City Clerk and will be published soon. Sealed bids will be accepted until 4:00PM on February 7, 2007, at which time they will be publically opened and

read aloud in the City Clerk's Office. Chief Metzelaars anticipates that his recommendation to award the bid will be presented to the Council at its February 20, 2007, meeting.

**City of Mattoon
Council Decision Request**

MEETING DATE: 1-16-07 CDR NO: 2007-709 SUBJECT: Tourism Grants

SUBMITTAL DATE: 1-12-07

SUBMITTED BY: Angelia Burgett, Tourism Coordinator

EXHIBITS (If applicable): Grant Applications

EXPENDITURE	AMOUNT	CONTINGENCY FUNDING
ESTIMATE: \$35,000	BUDGETED: \$70,000	REQUIRED: N/A

IF IT IS THE WISH OF THE COUNCIL TO SUPPORT RECOMMENDATIONS CONTAINED IN THIS REPORT, THE FOLLOWING MOTION IS SUGGESTED:

I move to approve this grant recommended by the Tourism Committee from Hotel and Motel Taxes:

Mattoon Pride Softball, Inc. request of \$25,000 for hosting five 2007 softball tournaments for the following dates:

National Jr. College Assoc. Region 24	May 4-6
Mattoon Pride Memorial Day Classic	May 26-27
Mattoon NIT- USSSA World Series Classic	June 1-3
Mattoon NSA World Series Qualifier	June 8-10
Mattoon Bagelfest Tournament	July 20-22

Mattoon Beach Multi-sport Triathlons request of \$10,000 for five events for the following dates:

Mayhem Sprint Duathlon and Triathlon	May 12
Mattoon Beach 1/8 & 1/4 Iron Dist. Triathlon	July 7
Mattoon Man 1/3 Iron Distance	Aug. 4
The Great Illini Half and Full Iron Dist. Tri.	Sept. 15
Mattoon Beach Half Marathon	Oct. 27

SUMMARY OF THE TOPIC FOR WHICH A COUNCIL DECISION IS REQUESTED:

This application was considered and approved by the Tourism Advisory Committee at a meeting held January 10, 2007.

**City of Mattoon
Council Decision Request**

MEETING DATE: 01/16/2007 CDR NO: 2006-710 SUBJECT:
Exec. Session Minutes &
Verbatim Recordings

SUBMITTAL DATE: 01/12/2007

SUBMITTED BY: Susan O'Brien, City Clerk

ADVANCE COPY: N/A

EXHIBITS (If applicable): To be distributed in Exec Session.

EXPENDITURE	AMOUNT	CONTINGENCY FUNDING
ESTIMATE: N/A	BUDGETED: N/A	REQUIRED: N/A

IF IT IS THE WISH OF THE COUNCIL TO SUPPORT RECOMMENDATIONS CONTAINED IN THIS REPORT, THE FOLLOWING MOTION IS SUGGESTED:

"I move to approve release of all Executive Session minutes from May 3, 1991 through December 19, 2006, except for May 3, 16, 23, 1991; May 19, 1992; August 8, 2002; March 18, 2003; April 1, 2003; March 2, 16, 2004; July 7, 2004; August 3, 17, 2004; September 7, 2004; October 19, 2004; December 21, 2004; March 1, 15, 2005; April 5, 19, 2005; May 3, 2005; June 7, 21, 2005; July 6, 19, 2005; August 2, 2005; September 6, 2005; October 4, 2005; March 21, 2006; April 4, 2006; June 6, 20, 2006; July 18, 2006; August 1, 2006; September 5, 19, 2006; October 3, 2006; November 7, 21, 2006; December 5, 19, 2006; and to approve the destruction of Executive Session verbatim records that have been approved for release in written form as follows: July 20, September 21, October 5, November 16, December 7, 2004; and February 15, June 1, 2005."

SUMMARY OF THE TOPIC FOR WHICH A COUNCIL DECISION IS REQUESTED:

Per 5 ILCS 120/2.06 (d) "Each public body shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings. At such meetings, a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection."

"(c) The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after: (1) the public body approves the destruction of a particular recording; and (2) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section."

The City Clerk has reviewed the confidential copies of minutes of closed meetings from the period May

1, 1991 through December 19, 2006 with City Attorney/Treasurer Owen, who deemed that the abovementioned minutes could be considered available for public inspection.

At its regular meeting of January 16, 2007, the Council will be asked to acknowledge the review of the minutes and exceptions, due to the opinion of the City Attorney that the executive session minutes of these closed meetings are determined to require confidential treatment, and to approve the destruction of verbatim records for applicable Executive Session meetings.

DRAFT